

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:13-CT-3184-FL

JEFFREY EDWARDS, )  
)  
Plaintiff, )  
)  
v. )  
)  
SHERIFF CAREY WINDERS, MAJOR )  
GREENFIELD, LIEUTENANT SCOTT, )  
DR. MCCASTLE, OFFICER )  
CARICIRIERI, MIKE COX, CHRIS )  
WORTH, and CHUCK ARNOLD, )  
)  
Defendants. )

ORDER

Plaintiff, a pretrial detainee, filed this civil rights action pursuant to 42 U.S.C. § 1983. The matter is before the court for frivolity review pursuant to 28 U.S.C. § 1915. Also before the court is plaintiff's motion to compel discovery (DE 7). In this posture, the issues raised are ripe for adjudication.

The court begins with its frivolity review of plaintiff's action. It does not clearly appear from the face of the complaint that plaintiff is not entitled to relief, thus the matter is allowed to proceed.

The court now turns to plaintiff's motion to compel discovery in which he specifically requests that defendants provide him the video-tape footage of his alleged sexual assault at the Wayne County Detention Center<sup>1</sup> on March 18, 2013. At this point in the proceedings, defendants have not yet been served. Accordingly, any discovery requests at this point in the proceedings are

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<sup>1</sup> The court notes that plaintiff states that the alleged sexual assault occurred at the "Sheriff Annex." (DE 7.)

premature. The court, however, notifies defendants that all video-tape recording of the alleged sexual assault must be preserved for the purposes of this litigation.

In summary, plaintiff is ALLOWED to proceed with this action. However, plaintiff's motion to compel (DE 7) is DENIED as premature. Defendants are on notice that any video-tape recording of the incident at issue in this case must be preserved.

SO ORDERED, this the 12th day of November, 2013.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. The first letter "L" is large and loops around. The "W" is also stylized. The signature is positioned above a horizontal line.

LOUISE W. FLANAGAN  
United States District Judge